

~~(d) (1) [(i)] The value of the easement is determined at the time the Foundation is requested in writing to purchase the easement.~~

~~[(ii)] (2) The fair market value shall be determined by the Department of General Services based on one or more appraisals by the State appraisers, and appraisals, if any, of the landowner.~~

~~[(iii)] (3) The entire contiguous acreage shall be included in the determination of the value of the easement, less 1 acre per single dwelling; however, except as provided in § 2-513(b)(2) of this subtitle, the entire contiguous acreage, including the 1 acre per single dwelling, is subject to the easement restrictions.~~

~~[(2) (i) Subject to subparagraph (ii) of this paragraph, the agricultural value of land shall be determined by a formula approved by the Department that measures the farm productivity of the land on which the applicant has applied to sell an easement by taking into consideration weighted factors that may include rents, location, soil types, development pressure, interest rates, and potential agricultural use.~~

~~(ii) The agricultural value determined under subparagraph (i) of this paragraph is subject to the approval of the Department.]~~

~~(e) (1) If the landowner and Foundation do not agree on the value of the easement as determined by the State, either the landowner or the Foundation may request that the matter be referred to the property tax assessment appeal board as provided under § 3-107 of the Tax Property Article, for arbitration as to the value of the easement.~~

~~(2) The value determined by that arbitration shall be binding upon the owner and the Foundation in a purchase of the easement made subsequent to the arbitration for a period of 2 years, unless the landowner and the Foundation agree upon a lesser value or the landowner or the Foundation appeals the results of the arbitration to the Maryland Tax Court, and either party may further appeal from the Tax Court as provided in § 13-532 of the Tax General Article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

May 22, 2003

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 805 - Maryland Agricultural Land Preservation Foundation - Easements - Lot Exclusions and Allowable Economic Activity.

This bill modifies current law to provide that farm and forest related uses and home